

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

24306

FILE 210701

DATE: February 22, 1983

MATTER OF: Alchemy, Inc.

DIGEST: Protest challenging an agency's affirmative determination of responsibility is not for review by GAO except in circumstances not present here.

Alchemy, Inc. protests an award to another firm by the Defense Logistics Agency under solicitation No. DLA700-83-B-0139. Alchemy contends that the other company is not capable of meeting contract requirements and that it therefore is not a responsible prospective contractor. We dismiss the protest.

This Office does not review protests against affirmative determinations of responsibility, unless fraud is alleged on the part of the contracting officer or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Connelly Containers, Inc., B-208259, August 23, 1982, 82-2 CPD 168. Here, there is no allegation that the responsibility determination was the result of fraud or that definitive criteria have not been applied.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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